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THE
OTTOMAN PENAL CODE

28 ZILHIJEH 1274.

TRANSLATED FROM THE FRENCH TEXT

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P R E F A C E.

WITHIN six days of the fatal battle of Nissib (24th July, 1839) Sultan Machmout expired, and his son, Abdul Medjid, a youth of sixteen, reigned in his stead.

The Ottoman Empire was staggering under the blows inflicted upon it by its rebellious African Pashalik, and but for the intervention of the combined European Powers would have fallen a prey either to the victorious armies of Ibrahim Pasha or the equally fatal patronage of the Emperor Nicholas.

Raschid Pasha was at that time foreign minister at Stamboul; and when the great crisis had passed, and the quadruple treaty had turned the tables on Mechmet Ali Pasha, Raschid Pasha aspired, as Grand Vizier, to continue the reforms commenced by Sultan Machmout, and to recast the whole administrative and judicial system of the Ottoman Empire upon European models.

The result of these ambitious projects was the publication of the Hatti Sherif, on the 26 Chaban, 1255—the charter of the civil and religious liberty enjoyed on paper by all the subjects of His Imperial Majesty the Sultan.

The Hatti Sherif remained to all intents and purposes a dead letter for seventeen years; and by that time the Ottoman Empire had passed through another crisis; and had been again set on its legs by the events which terminated in the Peace of Paris (30th March, 1856). In the previous January the Porte had accepted twenty-one propositions made by the Western Powers and Austria, which included reforms of the police, the tribunals, the collection of taxes, and other matters. And on the 10th Jemaz-ul-Achir, 1272, the Sultan published the Hatti humayoun, confirming the Hatti Sherif, and specifying in thirty-eight Articles the reforms which he was prepared to carry through.

Article 19 is to the following effect:—"The penal and commercial laws and rules of procedure to be in force in the mixed tribunals shall be completed as rapidly as possible. They shall be arranged and codified, and shall be duly published, and translated into the various languages in use in our dominions."

Two years later this promise was redeemed, and the

Penal Code was promulgated. This law is partly a translation, and partly an adaptation of the Code Pénal which bears the name of Napoleon, and it constitutes, with a few slight additions and amendments, the criminal law now in force in the Ottoman Empire.

In July, 1878, the British occupation of Cyprus took place in virtue of a convention made with the Porte, and England has thenceforward continued to administer that island under the Ottoman law as modified by local ordinances. In 1883 the Law Courts in Cyprus were reorganized by the introduction of English blood into the constitution of the Courts; and the Penal Code is now administered by Englishmen with the assistance of Osmanli and Greek colleagues.

The Ottoman Penal Code is somewhat crude and inelastic, and is wanting in that precision which commends itself to the mind of an English lawyer; at the same time, it is based on principles of common sense, common morality, and common justice, and is a very "workable" piece of legislation.

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THE OTTOMAN PENAL CODE.

PRELIMINARY PROVISIONS.

CHAPTER I.

CONCERNING THE DIFFERENT DEGREES OF CRIME AND PUNISHMENT IN GENERAL, AND CERTAIN GENERAL PRINCIPLES.

ART. 1. It concerns the State to punish offences against private persons, by reason of the disturbance such offences cause to the public peace, equally with those directly committed against the State itself.

And by reason thereof the present Code determines the different degrees of punishment, the execution of which has by the Sheri (Mussulman) civil law been committed to the supreme authority. Provided always that the following provisions shall in no case derogate from the rights of private persons given them by the Sheri.

Art. 2. The offences which are punishable by the law are of three kinds: felonies, misdemeanours and police offences.

Art. 3. Felonies are offences which are punishable with severe penalties. Severe penalties are as follows: death; hard labour, and incarceration, for life or for a term, accompanied by public exposal; exile for life; dismissal from all offices; forfeiture of civil rights.

Art. 4. Misdemeanours are offences punishable with corrective penalties. Corrective penalties are: imprisonment for a longer period than one week; exile for a term; dismissal from a particular office; fine.

Art. 5. Police offences are those punishable by a court of summary jurisdiction, they are punishable with—imprisonment for from twenty-four hours to one week; a fine up to 100 silver piastres [18s.]

Art. 6. The punishments above mentioned may, as in each case is declared by the law, be awarded either cumulatively or separately.

Art. 7. Persons sentenced to one of the punishments of exile for a term, of imprisonment, of incarceration for a term, or of hard labour for a term, who shall be guilty of escape, shall, upon being recaptured, undergo the remainder of their sentence, together with a further period of from one-third to one-half of their original sentence.

If a person guilty of escape has been originally sentenced to exile for life, his punishment shall be changed to that of incarceration for life. And where he shall have been originally sentenced to incarceration for life, he shall be punished with hard labour for life.

Addition to Art. 7. Persons sentenced to hard labour for a term, to imprisonment, or to simple incarceration, who during their sentence shall commit a fresh offence, whether of a less serious, or of the same, or of a more serious character, as regards the offence originally committed, are subjected to the full penalty awarded by the law for such fresh offence, if it is punishable by one specified punishment only. If on the other hand the offence committed subsequently to such original conviction is punishable by different degrees of punishment, the guilty person shall only be subjected to the minimum punishment with which such subsequent offence is punishable.

In each such case the punishment to be inflicted for such subsequently committed offence, shall commence at the expiration of the original sentence.

Persons sentenced to exile for life, who during their sentence shall commit a misdemeanour, police offence, or felony punishable with hard labour for a term, shall be subjected, forthwith, and in a place which the Government shall determine, to the punishment, of whatsoever degree it may be, to which they shall so subsequently have rendered themselves liable. At the expiration of such last-mentioned punishment they revert to their former position, and shall be remitted to the place in which they had previously been resident.

Where such persons as aforesaid shall have committed a subsequent offence punishable with hard labour, or imprisonment for life, they shall be subjected to such last-

mentioned punishment ; but where such subsequent offence is one punishable with exile for life, they shall be punished with imprisonment for four years, and at the end of such period shall be remitted to the place to which they shall have been originally exiled.

*Persons sentenced to hard labour or imprisonment for life, who shall during such sentence have committed a police offence, a misdemeanour, or a felony punishable with hard labour for a term, shall be subjected to a term of imprisonment equal to one-third of their original sentence. Such imprisonment shall be one of complete isolation, and shall be enforced with the utmost strictness. At the expiration of such fresh sentence they revert to their original position. Provided always that if the offence so committed by such persons as aforesaid shall be of the same as, or of a more serious character than, the original offence, the period of imprisonment aforesaid shall be one of six years.**

Art. 8. Except where otherwise provided by the law, a second conviction for a similar offence shall entail a punishment double of that to which the convict was sentenced on the first conviction.

Art. 9. A sentence to any of the punishments above mentioned is always awarded against a person guilty of an offence without prejudice to any civil right or any claim of damages.

Art. 10. In all cases where a person is sentenced to pay a fine and also to make restitution, or pay com-

* 18 Jemaz ul evel, 1284.

pensation, the last-mentioned portion of such sentence shall be executed before the first-mentioned portion of the same.

Art. 11. The execution of a sentence to pay a fine, to make restitution, or pay damages and costs, shall, where the convict shall refuse to obey such sentence, be enforced by imprisonment.

Art. 12. Subjection to special police supervision, fine, and specific forfeiture, both of things which are the product of a felony or misdemeanour and of things which have been used for or intended to be used for the carrying out of such offences, are punishments which may be inflicted cumulatively both in the cases of felonies and of misdemeanours.

Art. 13. Persons convicted of offences relating to the internal and external safety of the State, shall without fail at the expiration of their punishment be subjected to police supervision.

Art. 14. The effect of subjection to police supervision is to give to the Government the right to define certain limits, within which the convict may be prohibited from residing. Moreover the convict will be bound to declare the place in which he wishes to reside and his line of route thereto, which will be duly noted on his passport. He will be bound also to report his arrival to the authorities within twenty-four hours thereof. It shall be unlawful for him to change his place of residence without giving three days' notice to the local authorities of the place in which he intends to reside,

and without receiving a fresh passport. In the event of any of the above conditions not being obeyed the person subjected to police supervision shall be punished with imprisonment for any period not exceeding one year. No person shall be subjected to police supervision except in such cases as are provided for by law.

Art. 15. The punishment for all felonies, misdemeanours, and police offences shall be inflicted by virtue of the laws in force at the time at which such offences are proved before the Court, or at which the charge is made; and no law coming into force at a later period shall be applicable to such offences.

CHAPTER II.

OF THE PUNISHMENT IN CASES OF FELONY.

ART. 16. Persons are liable to the punishment of death, who are guilty of certain offences in this Code presently mentioned. Convicts sentenced to death shall not be executed until the warrant, bearing the Imperial Cypher, setting forth the proof of the charge, and the sentence has been formally read at the place of execution.

Art. 17. The body of the convict, where he has no heirs to perform the office of burial, shall be delivered to the community of which he is a member.

Art. 18. If a woman, who has been sentenced to death, declares herself to be pregnant, and her pregnancy is proved, she shall not be executed until after her delivery.

Art. 19. The punishment of hard labour consists in working in leg-irons at the severest kind of work. The sentence of hard labour carries with it the suffering of public exposal. The convict is brought to a public place or street in the town where he is detained, and remains for two hours exposed to the public gaze. On the breast is placed a written statement in large letters

declaring the judgment of the Court by which he has been convicted. He is thereupon put in irons and removed to the place where his punishment is to be undergone. Persons under the age of eighteen and over the age of seventy shall not be subjected to public exposal.

Art. 20. The punishment of hard labour for life consists, after being subjected to public exposal, in working in leg-irons at the severest kinds of work for the period of the convict's natural life in a place set apart by the Government in that behalf.

Art. 21. The punishment of hard labour for a term consists, after being subjected to public exposal, in working in leg-irons at the severest kinds of labour for a period of from three to fifteen years in a place set apart by the Government in that behalf,

Provided always that where a sentence of hard labour for a period of less than five years has been inflicted, the convict shall not be transported elsewhere, for the purpose of undergoing his punishment.

Art. 22. No execution or public exposal shall be carried out on a feast-day peculiar to the religious community of which the convict is a member.

Art. 23. The punishment of incarceration for life consists in the immuring of the convict during the period of his natural life in a fortress set apart by the Government in that behalf.

Art. 24. The punishment of incarceration for a term consists in the immuring of the convict for a period of

from three to fifteen years in a fortress set apart by the Government in that behalf.

Art. 25. The punishment of incarceration is a punishment combining imprisonment and exile. The convict may hold communication with persons within the limits of his place of incarceration, or with persons outside the same, but only within such limits as are fixed by the police regulations.

Art. 26. The period of the punishment both of hard labour and of incarceration for a term runs from the day when the sentence is confirmed.

Art. 27. Any person who has been sentenced to undergo the punishment of hard labour or of incarceration for a term shall, during the period of his punishment, be in a state of legal disability, and shall, subject to the approval of the Government, nominate a person to administer his estate ; during the term of his punishment he shall be incapable of receiving from such administrator any part of his income, excepting such as may be allowed by special prison regulations. Upon the completion of the term of his punishment the whole of the convict's property shall be restored to him and the administrator shall account to him for the same.

Art. 28. The punishment of exile for life consists in being despatched to some place indicated by the Government there to reside for the convict's natural life. In case the person exiled wishes to have his family removed to such place as aforesaid, he is entitled to have such claim allowed.

Art. 29. Absolute deprivation from public offices consists in being for ever incapacitated from all employment by the State, whether directly, or as a farmer of revenue or contractor, be the employment never so insignificant ; from the holding of any office ; from the receiving of any salary ; and from the wearing of any order. Sentence to the aforesaid punishment entails loss of all rank, office, and salary, where the convict is endued with any rank, or holds any public office.

Art. 30. A sentence to hard labour for life or for a term, to incarceration for life, and exile for life, entails absolute deprivation from all rank and all public offices.

Where a sentence of incarceration for a term is pronounced by way of special punishment the convict shall at the same time be subject to deprivation from all rank and all public offices during his sentence. Nevertheless after having endured his punishment he may recover his rank and capability, where the Government is satisfied of his reformation. Provided always that such reinstatement shall not take place until after the expiration of a period equal to at least one half of the period of his incarceration.

If the punishment of incarceration is pronounced in the place of one of hard labour, the convict shall, as in the case of persons sentenced to hard labour, be subject to absolute deprivation of all rank and public offices.

Art. 31. Loss of civil rights consists : (1) In absolute deprivation from all rank and public offices as in

Art. 29 mentioned. (2) In the deprivation from all civil and political privileges, that is to say, the right to fill any public office relating to the administration of the country, community, or corporate body, to which the convict belongs. (3) In the inability to be employed as a master or professor in any school. (4) In the inability to appear as a witness, to give evidence in a court of justice [otherwise than in the giving of bare information, such as is of no value as bearing on the judgment to be given], and to appear as a duly authorised agent in an action. (5) In the inability to act as guardian. (6) In the deprivation of the right to carry arms.

Art. 32. Deprivation of all rank and public offices and loss of civil rights in Articles 29 and 31 mentioned may in certain cases be awarded together with the punishment of hard labour for life or for a term, of incarceration or exile for life, and in other cases by way of special punishment. Provided always that where pronounced by way of special punishments they must be awarded in conjunction with the punishment of imprisonment when such imprisonment does not exceed the period of three years.

Art. 33. A summary of every sentence of death, hard labour for life or for a term, of incarceration, of exile for life, of deprivation of rank and public offices, and of loss of civil rights shall be posted in the principal place of the province where such sentence shall have been passed, in the district in which such crime has been

committed, in the place where the execution shall be carried out, and at the place of abode of the convict. Such summary shall be posted at Constantinople on the door of the Chief Ministry of Police, and in the provinces on the door of the Governor's residence.

CHAPTER III.

OF PUNISHMENTS RELATING TO MISDEMEANOURS AND POLICE OFFENCES.

ART. 34. The punishment of imprisonment consists in being confined in a State prison for such period as is mentioned in the sentence. The duration of this punishment may be from twenty-four hours to three years from the time of the prisoner's first detention.

Persons undergoing imprisonment shall be employed on such work as is suitable to their condition and capacity, within such limitations as are by the regulations of the Government established.

Art. 35. The punishment of exile for a term consists in being sent far away from the convict's residence and removed to another place, there to remain for a period of from three months to three years.

Art. 36. Dismissal from public employment consists in being, under an article in the Penal Code in that behalf, removed from such employment, and in being deprived of the salary attaching thereto. The period of disability continues for a period of from three months to six years, during which no person so sen-

tenced is eligible to serve in any public office, or to draw any salary. Persons who at the time of their conviction are not filling any public office are ineligible to serve in any public office, or to draw any pay during the whole period of their sentence.

Art. 37. The punishment of Fine consists in the payment by the convicted person of such a sum of money as is by the law determined. Where a person, who is sentenced both to be imprisoned and to pay a fine, is unable to pay such fine, he shall undergo a further term of imprisonment equal to the half of the original sentence. Where a person who is sentenced only to the payment of a fine, is unable to pay the same, he shall be imprisoned for a period of from twenty-four hours to three months in proportion to the amounts of the fine which he has been sentenced to pay.

Art. 38. Any Court having jurisdiction to try a misdemeanour, in addition to the punishments in the preceding articles mentioned in that behalf, may impose certain of the disabilities mentioned in Art. 31.

Art. 39. All fines recovered shall be paid into the public treasury. Any convict who, on the expiration of his sentence, shall not have paid the amount of the fine to which he has been sentenced, and who has thereupon been further imprisoned for a period of six months, shall upon proof of his inability to pay be set at liberty provisionally. The period of imprisonment in default of payment of a fine in a police offence

shall in no case exceed three months. Any person who has been provisionally set at liberty shall be compelled to pay the fine to which he has been sentenced upon the Government being satisfied that he is in a position to pay the same.

CHAPTER IV.

OF CERTAIN CASES WHERE PERSONS GUILTY OF AN OFFENCE MAY BE HELD TO BE EXEMPTED FROM PUNISHMENT, AND WHERE LIABLE TO PUNISHMENT.

ART. 40. A guilty person who has not arrived at the age of puberty may not be punished with the punishment enacted against the offence of which he has been found guilty, and where he is not of an age to understand the nature of his offence he shall be delivered into the custody of his father, mother, or other relation, upon their entering into recognisances for his good behaviour. Where such recognisances are not entered into, the guilty person shall be subjected by the channel of the police to corrective imprisonment for such a period as shall be suitable to the case.

Where the guilty party is a young person of an age to understand, and has acted with a knowledge of, the nature of the offence committed by him, if he has rendered himself liable to the punishment of death, hard labour for life, incarceration for life, or exile for life, he shall be punished with corrective imprisonment for from five to ten years; and if he has rendered

himself liable to the punishment of hard labour for a term, incarceration for a term, or exile for a term, he shall be punished with corrective imprisonment for a period equal to not less than one-quarter, and not more than one-third, of the period to which he could otherwise have been sentenced. In either case he may be subjected to police supervision for not less than five or not more than ten years.

Where the guilty person has rendered himself liable to the punishment of forfeiture of civil rights, he shall be punished with corrective imprisonment for from six months to three years. And where he has rendered himself liable to a punishment less severe than those above mentioned he shall equally be imprisoned for a period not greater than one-third of the punishment to which he would otherwise have been liable.

Art. 41. A person guilty of an offence is exempted from punishment upon proof that he was of unsound mind at the time when he committed the same.

Art. 42. No person who shall have committed an offence otherwise than by his free will, and by reason of duress, duly proved, shall be liable to punishment. The word "duress" shall mean the use of such an amount of force that the guilty person shall have been unable to offer any resistance thereto, and which, taking into consideration the character of the offence, shall have rendered him to all intents and purposes guiltless thereof. Acts done out of respect and regard for another, such as the carrying out the orders of parents

by children, or of masters by servants, are not held to have been done under duress.

Art. 43. No distinction shall be made between the two sexes as regards punishment.

Art. 44. A sentence ordering the surrender of stolen property takes effect as against the person, whoever he may be, who has such property in his hands. But damages and costs can only be ordered as against the convict.

Art. 45. An accomplice in a felony or in a misdemeanour is liable to the same punishment as the principal, unless the law shall otherwise direct.

Art. 46. All persons convicted of one and the same felony or misdemeanour are jointly and severally liable to make restitution and to pay damages and costs.

Art. 47. The punishment of death may by special command of His Imperial Majesty be commuted to one of hard labour; the punishment of hard labour to one of incarceration; the punishment of incarceration for life, to one of exile for life; the punishment of incarceration for a term, or imprisonment for a term, to one of exile for a term.

No punishment may be excused, commuted, or mitigated except by special order of the Sovereign, and in such cases as the law shall have expressly directed.

BOOK I.

**OF OFFENCES AGAINST THE STATE, AND THE
PUNISHMENT OF THE SAME.**

CHAPTER I.

OFFENCES AGAINST THE EXTERNAL SECURITY OF THE OTTOMAN EMPIRE.

ART. 48. Every subject of the Empire, whosoever he may be, who shall bear arms against the State in the ranks of the enemy shall be punished with death.

Art. 49. Every subject of the Empire who shall intrigue or hold correspondence with foreign powers or their agents for the purpose of inducing them to commence hostilities or declare war against the Ottoman Empire, or to obtain the means from them for so doing, shall be punished with death, whether his intrigues and correspondence have been followed by actual hostilities or not.

Art. 50. Every subject of the Empire who shall intrigue or hold correspondence with the enemies of the State in order to assist their invasion of the territory of the Empire; or to hand over towns, fortresses, fortified positions, harbours, magazines, arsenals, or ships belonging to the State; or to furnish to the enemies of the State supplies of soldiers, money, victuals, arms, or ammunition; or to assist the advance of their arms against the possessions or troops of the Ottoman Empire either by tampering with the loyalty of the

Imperial troops towards the State or by any other means, shall be punished with death.

Art. 51. If the corresponding with the subjects of a hostile foreign power is not carried on with intent to commit the crimes mentioned in the preceding article, but nevertheless in effect supplies the enemy with information injurious to the political or military position of the Ottoman Empire or its allies, persons guilty of holding such correspondence shall, according to the gravity of the case, be punished with incarceration for from three to fifteen years.

Where such information shall have been in pursuance of an agreement constituting an act of espial, that is to say with intent to inform the enemy of a plan of the campaign of the Imperial Government, the guilty person shall, according to the gravity of the offence, be punished with hard labour of from three to fifteen years. If the act has been committed by any person in or with the army, the guilty person may be put to death according to military law.

Art. 52. Every public officer, every agent of the Government, and every other person entrusted or informed either officially or by reason of his position with or of any confidential matter concerning any negotiation or military expedition of the Ottoman Empire, who shall either directly or indirectly give information thereof to the agents of any foreign power or to the enemy without having received orders or instructions to do so, shall be punished with death.

Art. 53. Every public officer of the Ottoman Empire entrusted by reason of his duties with the custody of plans of fortifications, arsenals, or harbours, who shall hand over such plans or any of them to the enemy or his agents, shall be punished with hard labour for from three to fifteen years. He shall be imprisoned for from one to three years if he hands such plans to the agent of a foreign power, either neutral or allied, without instructions from his own Government.

Art. 54. Every subject of his Imperial Majesty who shall conceal or cause to be concealed the enemy's spies sent out to gather information, shall, if he knows them to be such, be punished with hard labour for life.

CHAPTER II.

OFFENCES AGAINST THE INTERNAL SECURITY OF THE
OTTOMAN EMPIRE.

ART. 55. Whosoever shall either directly or indirectly incite the subjects of the Ottoman Empire to take up arms against the Imperial Government, shall be punished with death if the attempt has resulted in an overt act, or if it has been partly put into execution.

Art. 56. Whosoever shall incite to civil war by causing the inhabitants of the Ottoman Empire to take up arms the one against the other, or to cause any ravage, massacre, or pillage in one or more places, shall be punished with death, if the attempt has resulted in an overt act, or if it has been partly put into execution.

Art. 57. Where one of the crimes mentioned in articles 55 and 56 has been committed, or only attempted, by a band of men, the punishment of death shall be inflicted on those who have organised the riot or held some command amongst the rioters in the place where they are arrested. The other members of the band who are arrested in the place of the riotous

gathering shall according to the degree of their guilt be punished with hard labour either for life or for from three to fifteen years.

Art. 58. Where a conspiracy in which it is resolved to take action is planned and determined upon by several persons with intent to commit one of the offences mentioned in articles 55 and 56, the guilty persons shall be punished with exile for life, if the conspiracy has been followed by an overt act for carrying the same into execution, although the attempt has not been successful. If the conspiracy has not resulted in any overt act calculated to carry the same into effect, and if only a resolve to take action has been planned and agreed upon, the persons concerned in such conspiracy shall be punished by incarceration for from three to fifteen years. If there has only been a proposal made, and not agreed to, to conspire to commit the crimes mentioned in the two preceding articles, the party making such proposals as aforesaid shall be punished with imprisonment for from one to three years.

Art. 59. Whosoever without commission from the Imperial Government or any lawful reason shall take command of a division, troop, or squadron, any building for military purposes, any fortified place, position, harbour, or town. Whosoever shall contrary to the orders of the Government retain any military command, every commanding officer who without any lawful reason shall keep his troop embodied after its

disbanding has been ordered by the Imperial Government, shall be punished with death.

Art. 60. Every person having command of troops of the line or of the police who shall require or shall order to be done any act or duty contrary to the recruitment orders of the Imperial Government shall be punished with exile for life. If such requisition or order has been carried out, that is to say if the orders of the Government have been abrogated by the troops obeying an unlawful order, the person giving such order shall be punished with death. The officers commanding the persons who obey such unlawful order shall be punished with hard labour for from three to fifteen years.

Art. 61. Any person wilfully and maliciously setting fire to or destroying any buildings, stores of munitions of war, or other property belonging to the Imperial Government shall be punished with death.

Art. 62. Whosoever either with intent to invade or to pillage the domains, properties, or revenues belonging to the State, or the immovable property belonging to any community of persons, or to resist the forces of the State acting against the persons responsible for such crimes as aforesaid, shall put themselves at the head of any armed band, or hold any command over the same shall be punished with death. Persons composing such bands but not holding any command or employment therein, who shall be arrested on the spot, shall be punished with hard labour for from three to fifteen years.

Addition to Art. 62. Persons armed infesting the country for the purpose of stopping and robbing travellers, and known by the name of brigands or bandits, shall by reason thereof and according to the gravity of the offence, be punished with hard labour for from three to fifteen years.

*Provided that such of them as from their previous actions are well known to be habitually addicted to such offences, or who have been guilty of acts of savagery towards persons stopped by them, or who have been guilty of murder while committing acts of brigandage, shall be punished with death.**

Art. 63. Persons who whether on the spot or at a distance shall carry on the direction of any body of persons in the last preceding (62) article mentioned shall organise such bands, or knowingly furnish or procure for them arms, ammunition, or weapons for the commission of such offences, or shall send them provisions, or shall in any other manner furnish the organisers or captains of such bands with intelligence; persons who knowing the object and character of such bands shall without compulsion harbour them or afford them places of refuge or of meeting, shall be punished with hard labour for from three to fifteen years.

*Addition to Art. 63. Persons knowing the character of such brigands who shall have agreed to harbour them shall be sentenced to hard labour for from three to fifteen years.**

Art. 64. No person shall be liable to the punishment

* 18 Jemaz-ul-evel, 1284.

for sedition who, after having taken part with such bands as aforesaid, without holding any command or holding any employment, shall withdraw at the first warning of the civil or military authorities, or even when they are arrested in places other than those where a seditious gathering takes place unarmed and without resistance.

They shall only in such case be punished for any individual crimes which they have personally committed; provided only that they shall be subjected to police supervision.

Art. 65. Such guilty persons as, before any crime has been committed and before any prosecution has been instituted, have first given information to the authorities concerning their accomplices, or who after prosecution has been commenced shall occasion the arrest of such accomplices, shall not be liable to the punishment for sedition: Provided that they shall remain under police supervision for a period not exceeding two years.

Art. 66. Whosoever shall directly incite the citizens or inhabitants to commit any of the crimes mentioned in the present chapter, either by addressing them in public places, markets, or other places of common resort, or by putting up placards, or by distributing hand-bills, shall be punished in the same way as those guilty of such offences. Where, however, such incitements as aforesaid are not followed by any overt act the guilty party shall be punished with exile for life.

CHAPTER III.

BRIBERY.

ART. 67. The act of bribery is defined as follows:—The receiving of anything whatsoever, given and received with the object of securing the success of any purpose, under whatsoever pretence the offer or the request may have been made. This definition applies equally to the alienation of either movable or immovable property made with the object of gratifying some person at a price obviously under or over its true value in regard to the circumstances of time and place when and where the matter has been carried out. The measure of the bribe consists in the difference between the consideration for the grant and the true value of the article. It is equally applicable to every present of more or less magnitude called *Payendaz*, or under the cloak of another name or by a colourable pretext, given either by a woman or a man on the occasion of a marriage or any other great occasion in which the officials or public servants of the Empire are interested. There are, however, exceptions, such as conventional presents made on these occasions to servants. Nor are things of small value held to be gifts or presents intended for

bribes, such as fruit or other articles of food or drink, given in order to secure favour or charity, or exchanged between friends as proofs of friendship, alms, and presents given to the poor or to servants; in short, those public and official things which are offered and accepted with the permission of his Imperial Majesty. By the word bribee is meant a person who allows himself to be influenced either directly or through his dependents. The briber is the person who employs means of so influencing. The person who acts as go-between to the briber and the bribee is called the bribery agent.

Art. 68. Every person who permits himself to be bribed, whatever may be his rank or office, shall after surrendering the value of the thing received by him, which is confiscated by way of a fine upon the briber, and after paying a fine equal to such value, shall be punished with incarceration for from three to fifteen years, and deprivation of office for six years, where he has been guilty of the offence for the first time.

Art. 69. Every person guilty of bribery, whatever may be his rank or office, shall after the surrendering and confiscation by way of fine as in the preceding article mentioned of the sum received by the person whom he has bribed, shall be punished equally with incarceration for from three to fifteen years, and deprivation of office for six years, where he has been guilty of the offence for the first time.

Art. 70. Every person, whatsoever may be his rank

or office, who has acted as go-between in a matter of bribery, shall, as in the case of the briber and the bribee, be punished with incarceration for from three to fifteen years, and deprivation of office for six years, where he has been guilty of the offence for the first time.

Art. 71. If the person permitting himself to be bribed, or the briber, or the bribery agent, holds no rank or office he shall be punished with the same punishments as persons of rank or holders of office.

Art. 72. Any woman who shall permit herself to be bribed and whose husband is cognizant of the act of bribery, after due proof has been given, shall be sentenced equally with her husband to surrender double the amount unlawfully received and shall together with him be subjected to the punishments set forth in article 68 against bribees. A woman who is unmarried or whose husband has not been cognizant of the act of bribery, or has not consented thereto, according to the evidence produced at the trial, shall alone be punished with fine and imprisonment for one year.

Art. 73. The punishments to which a woman who permits herself to be bribed is liable under the last article shall in the same way be applicable to a woman who is guilty of active bribery or of acting as a go-between, and also to her husband if he is privy to the offence.

Art. 74. Any person who has been convicted of bribery, and after having suffered the punishments

appointed by law is guilty of a similar offence, shall be punished on the second conviction by the surrender of double the value of the sum unlawfully received by him, by incarceration for not less than five years, and shall be disqualified for ever from holding any rank or public office.

Art. 75. Both the person giving a bribe and the go-between shall in the case of a second conviction be equally sentenced to incarceration for not less than five years, and shall be disqualified for ever from holding any public office or rank.

Art. 76. Where only a written undertaking has been given containing a promise to pay over a sum of money or any other article intended for a corrupt purpose, or where no such written undertaking has been given in this behalf but a promise has been made concerning gifts or presents which consists of a special arrangement, the non-fulfilment of which has only depended on difficulties which the parties interested have been unable to remove, such undertaking and arrangement if duly proved shall be held to be acts of bribery fully completed, and persons guilty of such acts shall be punished with like punishments to those to which persons guilty of giving or receiving bribes or of acting as go-between are liable. In either of such two cases both the briber and the bribee shall pay a fine equal to the amount of the gift or present agreed upon.

Art. 77. Whosoever in order to save his life, his goods, his honour, in one word his lawful interests, finds

himself actually compelled to give a sum of money, and shall give information of such act to the authorities, he shall have the amount illegally received from him restored, and the person guilty of such act of extortion shall be subject to the punishments awarded to bribed persons. Where the fact comes to the knowledge of the authorities through another channel, those persons who having been the victims of such an act of violence and have not given information thereof by a petition addressed within a reasonable time (that is to say, immediately after the ceasing of the state of compulsion and the absence of all personal fear) to the Grand Vizier, if they are at Constantinople, or to the Governor-General or the General Council, if in the provinces, shall be punished with the punishments awarded to persons guilty of bribery.

Art. 78. Any public servant who is accused of having demanded a sum of money for the carrying through any business in his department, which is lawful in itself, shall, if the fact be duly proved, be punished by a fine equal to the sum which he had demanded and shall be subject to the penalties to which persons guilty of receiving bribes are liable. Half the fine shall be given by way of reward to the person informing against him, and the business of the latter shall at the same time be equitably brought to a conclusion.

Art. 79. Where a person to whom a sum of money has been offered with the object of some business being carried through, shall give information of the same

either before or after having received such sum, but before any information has been communicated from any other source, within the space of two months at the latest, to the Grand Vizier, if such person is at Constantinople, or to the chief authority or the Council of the place if he is in the provinces, remitting at the same time such aforesaid-mentioned sum of money if he has received the same, he shall be highly commended. The briber shall at the same time, if the payment has not been made, be punished by a fine equal to the bribe which was offered, as well as the other punishments to which persons guilty of bribery are liable under the preceding articles.

Art. 80. Any person, whosoever he may be, employed in the letting to farm of the revenues of the State, who shall, notwithstanding the existence of other competitors, make an adjudication in favour of any person at a lower figure than that which the State could otherwise obtain, either accepting a sum of money from him, or acting in expectation of deriving some personal benefit, shall be punished with the punishments enacted against peculation in Chapter IV., Art. 82, as a defrauder of the public revenue.

Art. 81. Where the act of bribery is committed with a view to the committing of an offence, the punishment of which is more severe than that enacted against bribery, the person who shall be guilty of such offence, on the receipt of a sum of money, shall be sentenced to surrender the sum so unlawfully received and punished,

together with the briber who has occasioned the offence, and the go-between, if there be one, with the punishments enacted by this Code against the authors and instigators of such crimes as aforesaid and persons acting as mediators.

CHAPTER IV.

EMBEZZLING THE REVENUE OF THE STATE—
PECULATION.

ART. 82. Whosoever shall embezzle the revenues or property belonging to the State, either in cash or in kind, shall be sentenced to refund to the public treasury twice the value of the things embezzled and shall be punished with incarceration for from five to fifteen years. He shall further be declared for ever incapable of holding any rank or of occupying any public office.

Art. 83. Every person entrusted with buying, selling, or making anything of any kind on account of the Imperial Government, who shall commit any fraud in the buying, or selling, the price, the amount, or the manufacture of such supplies shall be liable, whatever may be the character of the offence proved, to be punished as an embezzler of the public revenues under the preceding article.

Art. 84. Persons guilty of the frauds hereinbefore set forth, who do not hold any rank or public office, shall be liable to the same punishments as in the preceding articles set forth.

Art. 85. Officials who shall receive money from the

creditors of the State for the discounting of Treasury bills ("serguis"), or other bonds forming part of the public debt, or who shall accept from the said creditors sums of money and other gratuities in order to secure the payment of their debts, shall be sentenced to surrender the sums or things so received, and punished with incarceration for from three to fifteen years. Persons in the private employment of public officers, or standing in the relation of connections or dependents, who shall discount the "serguis" with their consent, shall be liable to the same punishment, and so shall the officials who connive at such frauds.

Art. 86. Every public servant, whatever be his position, who shall keep back the whole or any part of what is due to any workmen employed by him in the manufacture or in the transport of certain things relating to his office for their wages, or for the price payable in respect of such things as aforesaid, or who shall make the said workmen labour upon State works for nothing, shall be sentenced to pay twice the profit made by him, half of which shall be given to the party to whom it is due, and the other half retained by way of fine. He shall further be punished with incarceration for from three to fifteen years.

Art. 87. Every public officer, whatsoever be his position, who shall receive the whole amount due for the prescribed number of the members of the police force detailed for the maintenance of public order, and for the duties of collecting the revenue, and shall not

employ such full number as aforesaid, or who shall withdraw them entirely from their duties and employ them in the private maintenance of his household, or who shall enter the people employed in his own private service in the registers of the members of the police force, with the object of paying them out of the sums set down for such police force, shall be sentenced to surrender twice the amount so received by him either for the persons who do not truly appear on the roll, or for those whom he has employed in the private maintenance of his household, or for the persons in his own employment whom he has entered as members of the police force, and shall be further punished with incarceration for from three to fifteen years.

Art. 88. Public servants and all other persons who shall be guilty of any offence in breach of the law relating to the letting by auction and the allotment of the revenues of the State, or in breach of any other law relating to the letting to farm of the revenues, shall be dismissed from their offices, and punished with imprisonment for from one to two years, or to exile for from two to three years. They shall at the same time be compelled to reimburse to the Treasury the sums which they have caused to be lost to the State.

Art. 89. Every public servant, whatsoever be his position, who in business, whether of greater or less importance, the conduct or the superintendence of which has been entrusted to him, shall speculate either openly or clandestinely, either by the intervention of

others or by way of partnership in the buying or selling of supplies for the use of the State; who shall contract for the furnishing of such supplies, or who shall be interested with another in any contract for the furnishing of such things as aforesaid; shall be dismissed from his office and punished with exile for from one to two years.

Where a public servant shall receive any commission on State contracts of this kind, or shall make a profit on the exchange value of money, the punishment shall, besides deprivation of office, be imprisonment for from one to two years, or exile for from two to three years.

Art. 90. Persons employed in the civil service or the financial department, who shall in any way place to their own account the revenues of the State, or connive at a third party doing the same, shall be dismissed from office and punished with imprisonment for from three months to two years, or exile for from six months to three years.

Art. 91. Persons who shall receive an order or undertake a contract for the supply of necessities for the army or navy, and who by their own act shall fail to carry out their engagement, shall refund what they have received in payment for such supplies, and be subject to a fine equal to one quarter of the amount of such refunding.

Art. 92. Any public servant who shall connive at such failure to furnish such supplies as aforesaid shall be punished with imprisonment for three years.

Art. 93. If the delivery of military supplies agreed to be furnished by contract shall be delayed without reasonable cause, or if any fraud is committed in relation to the nature, quality, or amount thereof, the persons guilty shall be sentenced to pay a fine, the amount of which shall be equal to the amount of damages which they shall be liable to pay.

CHAPTER V.

ABUSE OF AUTHORITY—FAILURE IN DUTY IN A PLACE OF PUBLIC TRUST.

ART. 94. Every person without exception, for the purpose of forwarding justice, is justified in supplying to the Courts or Councils, either verbally or in writing, information relating to every pending matter, whatever may be the nature thereof; apart from such communications as aforesaid, which are in all cases only received simply as information, every order, request, or petition, addressed by public officers of any description, to a Court or Council, either directly or indirectly, verbally or in writing, whether in favour of or against one of the parties, shall, according to the gravity of the case, entail the attaching of the penalties hereinafter mentioned, both upon the officer who has rendered himself liable thereto, and also on the Court or the Council which has permitted itself to be influenced by these proceedings.

Art. 95. If a public officer has committed such act of interference by means of an order or by exercising pressure in virtue of the authority with which he is clothed, he shall be deprived of his office, upon the

report of such act to the Government by the Court or Council, and the Court or Council shall be careful to do justice in the matter. Where the act of interference shall consist of a simple request or petition, the guilty person shall equally be sentenced on the report of such Court or Council to a fine of from ten to fifty gold medjidies.

Art. 96. When the act of interference shall have occasioned a denial of justice, the public officer who shall have commanded the giving of such a judgment shall be dismissed from office, and punished with imprisonment for from three months to one and a half years, or exile for from six months to three years. If a denial of justice shall have taken place in consequence of a simple request or petition, the punishment pronounced against the person making such request or petition shall be imprisonment for from one month and a half to three months, or exile for from three to six months, irrespective of the fine.

Art. 97. Where the Court or Council has failed to give information to the higher authority of such order, request, or petition as aforesaid, addressed to it in the course of a suit, the judge or president shall be dismissed from his office, even when no attention has been paid to such order, request, or petition.

Art. 98. The judge or president of a Court or Council who shall fail to report to the higher authority the making of such order, request, or petition addressed thereto, and shall have been guilty of a denial of

justice in pursuance of such order, request, or petition, shall be liable to suspension from all employment for a space of six years and to exile for three years. The other members of the Court shall simply be subjected to suspension for six years. The judge and president shall further be declared for ever incapable of filling any office in any Court or Council whatever.

Art. 99. Every public officer, whatever be his position, who shall either directly or indirectly use his influence or authority for the purpose of obstructing the execution of orders given by the Imperial Government, or of the laws and regulations in force, or the collection of lawful taxes, shall be punished with imprisonment for from twenty-four hours to three years. If such officials have been compelled to do such acts by orders of their superior officers, the penalties above mentioned shall not apply to them, and shall only apply to such superior officers who have originally given such orders. And if in consequence of such orders other offences are occasioned which are punishable with heavier penalties than those declared above, they shall be subjected to such severer penalties.

*Addition to Art. 99. Where the persons using their influence or authority as aforesaid are not public officers they shall be sentenced to a term of imprisonment not exceeding one year.**

Art. 100. All governors-general, governors, receivers-general, judges, receivers of the revenue, and

* 18 Jemaz-ul-evel, 1284.

administrators of districts, who within the limits of the government of their province or district—in short, in all places where they are empowered to exercise any authority, shall either openly or by any juggle, directly or by the means of others or of a fraternity of any kind, traffic in grain, provisions, or other necessities of life, in such fashion as is prohibited by law, shall be dismissed from office, and punished with a fine of from twenty-five to one thousand gold medjidies. Provided that this article shall not apply to the produce of property owned by such officials within the such limits as aforesaid.

Art. 101. Every public officer who without just cause and without such an excuse as would be allowed by a higher authority, shall delay the publication of any firman, Vizierial letters, or other orders, which he shall be commanded to publish by the Imperial Government, shall be dismissed from his office. Where any public officer shall by such conduct as aforesaid have occasioned any loss to the State or the country, he shall be liable to the penalties enacted in that behalf.

Art. 102. Any public officer who without lawful excuse shall act with leniency or carelessness in the execution of orders issued by his superior officer, in a matter within the scope of his duty, shall be punished with a fine, the amount of which shall be equal to that of his monthly salary. If the failure to carry out his instructions amounts to an act of disobedience, such public officer, who shall so render himself liable as

aforesaid, shall be dismissed from his employment. And where the delay or disobedience shall have occasioned loss to the interest of the State or the country, the person who shall have so occasioned the same shall at the same time be punished with the penalties specially enacted against such offence.

CHAPTER VI.

ACTS OF VIOLENCE AND ILL-TREATMENT COMMITTED
BY PUBLIC OFFICERS AGAINST PRIVATE PERSONS.

ART. 103. Every public officer acting as a member of a Court or Council, or any other public servant, who shall order to be put, or shall himself put, to the torture any person charged with an offence, shall be punished with incarceration for from three to fifteen years, and shall be declared for ever incapable of holding any rank or public office. Where the act has been done by a public servant of a lower class under superior orders, the penalty shall only be enforced against the superior officer who has given such order. Where by reason of the torture the sufferer shall have died or lost the use of a limb, the officer who is guilty thereof shall be punished with the penalties inflicted on persons causing death or wounding.

Art. 104. Every public servant being a member of any Court or Council or any other public officer who shall punish or order to be punished any convicted person with a punishment more severe than that ordered by law, shall be punished with imprisonment for from six months to three years, and dismissed from his

employment, and shall be for ever incapable of performing any public duty whatever in any Court or Council.

Art. 105. Every public servant who, when acting in such capacity, shall enter the house of a private person against his will, otherwise than as may be by civil or military law or the police regulations provided, and without observing the formalities enjoined by such laws and regulations, shall be punished with imprisonment for from six months to three years: Provided always, that if he shall have been acting under the orders of a superior officer, he shall not be liable to punishment, and such punishment shall only be applicable to such superior officer. Every person other than a public officer who shall by the use of threats or acts of violence enter the house of any private person, shall be punished with imprisonment for from one week to six months.

Art. 106. Commandants of the police, members of the force, peace officers charged with warrants of arrest, who in the execution of their duty, or when carrying out the orders of their superior officers, shall use violence towards any private person so as to occasion him any insult or any bodily pain, contrary to the forms prescribed by law or the police regulations, shall according to the extent of such violence be punished with imprisonment from one week to one year.

Art. 107. Every public servant or person of official rank in the Ottoman Empire, whatever may be his

office or position, who shall purchase property whether movable or immovable against the will of the owner, such owner being thereby unjustly deprived of the same, or who shall compel the owner to sell such property to another, shall be sentenced to surrender the thing of which such owner has been deprived, or the value of the same if it is no longer in existence; and shall, according to the degree of his guilt, whatsoever may be his rank, be further punished with exile for from six months to three years, and declared for ever incapable of holding any rank or filling any public office.

Art. 108. Any public servant, whoever he may be, placed at the head of a department, any person employed in a subordinate office, any overseer in the employment of such public servants or subordinates, any farmer of the various revenues of the State, and any overseer of the same who in his collection of taxes, tithes, indirect taxes, or other duties or revenues shall receive more than what is due on account thereof, shall be punished as follows. Public servants at the head of a department and farmers of the revenues, with incarceration for from three to fifteen years. Subordinates and overseers, imprisonment for from six months to three years. The guilty persons shall further be ordered to refund the sums so unlawfully received and to pay a fine equal to the amount of such sums so refunded as aforesaid.

Art. 109. Every public officer, whatever may be his

position, who shall receive a sum of money whether large or small, or any other thing by way of a fine, beyond the pecuniary penalty fixed by law; or who shall cause another to pay a sum greater or less than the amount of any fine which the law directs him to receive; or who shall receive a fine before payment of the same has been ordered by sentence; shall be sentenced to refund double the amount so illegally received, half of which shall go to reimburse the persons to whom it is due: he shall further be punished with the punishments enacted against bribery.

Art. 110. Any public officer or person of rank in the provinces, who shall employ persons without wages and in forced labour on works other than those of public utility defined by law, or ordered to be done by the Government, or admitted to be urgent in the interests of the inhabitants, shall be sentenced to pay, at the current rate of the locality, the wages due to such persons so employed without wages as aforesaid; he shall further be dismissed from his office and employment if he is a public officer, and punished according to the gravity of the case with the punishment of exile for from six months to three years.

Art. 111. Every public officer, whoever he may be, and his overseers; persons carrying out the orders of a higher authority; peace officers charged with warrants of arrest; officers and soldiers of the army, and members of the police force, who, being billeted in the houses of private persons situate on their line of march,

shall compel such persons to provide them with provisions or forage without payment, shall be sentenced to pay the price thereof to those to whom it is due. They shall further be dismissed from the office or employment which they may hold, and punished with imprisonment for from one week to one month. Where such acts of violence have been committed by troops on the march their officers shall be sentenced to pay the price of all things taken by force, they shall further be dismissed from their appointments and punished with imprisonment for from six months to three years.

CHAPTER VII.

RESISTANCE TO, DISOBEDIENCE TO, AND OFFENCES AGAINST THE AUTHORITIES OF THE STATE.

ART. 112. When official persons, members of a Court of justice or of a council, or any other public officers are subjected, while in the exercise of their functions to any affront to their honour or dignity, or are insulted or threatened, the party who has committed such offence shall be punished with imprisonment for from one week to six months. If the offence has taken place in the Court or in the council chamber the imprisonment shall be for from six months to one year.

Art. 113. An offence against soldiers of the regular army, and generally against the members of the police force, in the nature of verbal abuse, insulting gestures, or threats, calculated to affront their honour or dignity while in the execution of their duty, shall be punished by a fine of from one to three gold medjidies.

The punishment shall be imprisonment for from one week to two months if the offence has been committed against an officer of the army or a commandant of police. If the offence has been aggravated by the use of weapons the period of imprisonment shall be in all cases from six months to two years.

Art. 114. Every person who even without weapons, and without any wound being inflicted, shall strike either a public officer, or a soldier of the regular army or a member of the police force either in the execution of his duty or when he is on duty shall be punished with imprisonment for from six months to two years.

Art. 115. If the blows be inflicted on public officers, whether members of the police force or public servants, either in the execution of their duty or when on duty, and have occasioned wounds or ill health the punishment awarded by the law shall, according to the gravity of the case, be doubled.

Art. 116. Every person who without just cause refuses to appear before a Court of justice or a council after having received a summons in due form, shall be punished by a fine of from one silver medjidie to five gold medjidies. The amount of the fine shall be inflicted as often as he refuses to appear.

CHAPTER VIII.

ESCAPE OF PRISONERS, CONCEALMENT OF CRIMINALS.

ART. 117. Whenever an escape of prisoners occurs, the officers, whether soldiers or police, charged with escorting such prisoners, also the sentinels, persons employed by the prison, gaolers, sentries, warders, and all other persons entrusted with their safe keeping, shall, if they have been guilty of negligence, be punished with imprisonment for from one week to two months. If there has been connivance in the escape, the imprisonment shall, according to the degree of guilt of the escaped prisoner, be for from six months to two years.

Art. 118. All persons, whether charged or not with the custody of prisoners, who shall procure or facilitate the escape of the same shall be punished with imprisonment for from one week to six months.

Art. 119. All persons, whether charged or not with the custody of prisoners, who with intent to help them to escape shall supply them with weapons or tools suitable to the escaping by force shall be punished with hard labour for from three to fifteen years.

Art. 120. When persons charged with the custody of prisoners have procured their escape and have been incited thereto by a gift of money, if the prisoner is charged with an offence entailing the death penalty, hard labour for life, or incarceration for life, they shall be sentenced to pay a fine of double the amount received, and punished with hard labour for from three to fifteen years. Where the escaped person is charged with an offence entailing a less severe penalty, they shall be liable to the penalties for bribery.

Art. 121. Persons who conceal in their houses persons whom they know to have escaped from prison or to have been guilty of (or charged with *) a crime shall be punished with imprisonment for from six months to two years. Persons excepted from this provision are, forebears, descendants, husbands, wives, brothers and sisters of the concealed criminal.

* See Turkish text.

CHAPTER IX.

THE BREAKING OF SEALS, AND THE ABSTRACTION OF CHATTELS AND OFFICIAL DOCUMENTS IN OFFICIAL CUSTODY.

ART. 122. When seals affixed for the security of any place, papers, or chattels by order of a superior authority, or by an order made by a Court of justice in any matter whatever, shall be broken, the custodians, if there be any, shall be punished for negligence with a fine of from five to fifty gold medjidies. In the case of seals placed upon the papers and chattels of a person charged with a crime, the negligent custodian shall be punished, according to his offence, with imprisonment for from three months to one year.

Art. 123. Whosoever shall break seals placed on papers or chattels of the description mentioned in the second paragraph of the preceding article shall be punished with imprisonment for from six months to one year. If the guilty person is the custodian himself he shall be punished with imprisonment for from one to three years.

Art. 124. In the case of the breaking of seals placed on property otherwise than as aforesaid, the guilty

person shall be punished with from one week to six months' imprisonment; and if the guilty party is the custodian himself he shall be punished with imprisonment for from six months to one year.

Art. 125. Every theft accompanied by the breaking of seals, shall be punished like a theft committed together with a breaking and entering of a building.

Art. 126. As regards the abstraction, removal, and destruction of important documents, deeds, registers, and State records, or legal proceedings, deposited in public record offices, or in the custody of any person charged with their safekeeping, the punishment shall be, for the negligent custodian, a fine equal to the amount of a month's salary, and imprisonment for from one week to three months.

Art. 127. Whosoever shall be guilty of such acts of abstraction, removal, or destruction, mentioned in the preceding article, shall be punished with imprisonment for from six months to two years. If the offence is committed by the custodian himself he shall be punished with a fine equal to the amount of his monthly salary, and imprisonment for from one to three years.

Art. 128. Where the breaking of seals, abstraction, removal, or destruction of such documents has been accompanied by violence towards the custodian the guilty person shall be punished with hard labour for from three to fifteen years.

Art. 129. Where letters committed to the Post Office or other agents of a similar character are opened

either directly or indirectly by a public officer, he shall be punished with a fine of from one to five gold medjidies and imprisonment for from one month to three years. Persons employed in the Post Office who shall be privy to such offence shall be liable to the same penalties.

CHAPTER X.

WRONGFUL ASSUMPTION OF AUTHORITY OF A PUBLIC OFFICER.

Art. 130. Whosoever without licence or authority from the Imperial Government shall pretend to have been charged with the exercise of any public function, whether civil or military, or who shall perform the functions of such office, shall be punished with imprisonment for from three months to three years.

This sentence shall be pronounced independently of any punishment to which such person may be liable for forgery under Chapter XV., in case such person should render himself guilty of such offence by displaying or publishing any forged firman, viziriel letter, bouyourouldou,* or other official documents.

Art. 131. Every person who shall wear any decoration to which he is not entitled, or which he is not authorized to wear, or any official dress limited to higher rank than his own, or any uniform, without being appointed to any rank or any public office, shall be punished with imprisonment for from three months to one year.

* Order—Writ.

CHAPTER XI.

RESTRICTIONS ON FREE WORSHIP. INJURIES TO MONUMENTS.

ART. 132. Whosoever shall interfere with the course of worship and religious ceremonies of any sect of His Imperial Majesty's subjects who are permitted the free exercise thereof, or who shall restrain the same by any act or threat, shall according to the gravity of the offence be punished with imprisonment for from one week to three months.

Art. 133. Whosoever shall destroy, pull down, mutilate or deface any building or monument intended for public use or ornament; or who shall cut or destroy trees planted in the courts of any mosque, walk, bazaar, or public place shall be sentenced to make compensation for the damage, and to imprisonment for from one month to one year, and to a fine of from one to ten gold medjidies.

CHAPTER XII.

INTERFERING WITH THE TELEGRAPHIC COMMUNICATION.

ART. 134. Whosoever by any act of negligence shall disturb any telegraph service, or spoil the apparatus of the same so as to interrupt the communications of the same, shall be punished with a fine of five to fifty gold medjidies. If malice is proved, imprisonment for from three months to two years shall also be awarded.

Art. 135. Whosoever by the breaking of wires, insulators, or posts, or in any other manner shall cause an interruption in the telegraphic communication, shall be punished with imprisonment for from three months to two years, and a fine of from five to fifty gold medjidies.

Art. 136. Any person who, during any disturbance or rising occurring in the Ottoman Empire shall destroy one or more telegraph lines, or shall render them unavailable for business in any manner whatsoever, or shall seize upon them by force or otherwise, so as to interrupt the communication between those clothed with public authority, or so as to stop the transmission of private communications, or who shall forcibly obstruct the reconstruction of a telegraph line, shall be punished with hard labour for from three to fifteen years and a fine of from fifty to 200 gold medjidies.

CHAPTER XIII.

UNAUTHORIZED PRINTING PRESSES. PUBLISHING OBJECTIONABLE WRITINGS. OFFENCES AGAINST THE REGULATIONS FOR TEACHING IN SCHOOLS.

ART. 137. Whosoever shall set up a printing-house and therein print books or other things without a licence from the Imperial Government, shall be punished with a fine of fifty gold medjidies, and his printing-house shall be closed.

Art. 138. Any person printing in a printing-house duly authorized by the Imperial Government, newspapers, books, or other things injurious to the Ottoman Empire, or directed against those invested with public authority, or against a nation subject to His Imperial Majesty, shall be punished with a fine of from ten to fifty gold medjidies. The printed matter shall be seized, and the printing-house closed, either temporarily or absolutely, according to the gravity of the offence.

Art. 139. Any person printing or causing to be printed, published, or distributed pamphlets in prose or in verse offensive to morality, or obscene pictures or representations, shall be punished with a fine of from

one to five gold medjidies and imprisonment for from twenty-four hours to one week.

Art. 140. Any person who shall open a school in breach of the laws and orders which regulate public instruction shall be punished with a fine of from five to thirty gold medjidies, and the school shall be closed.

Art. 141. Whosoever in breach of the laws and orders relating to public instruction shall, without a licence, exercise the profession of schoolmaster, shall be prohibited from following such profession and punished with a fine of from two to ten gold medjidies.

Art. 142. Whenever a book is read in a school in breach of the laws and orders relating to public instruction, the headmaster of such school who has permitted the same, or, if there is no headmaster, then the schoolmaster who has authorized the reading of such books shall be punished with imprisonment for from one week to one eyar.

CHAPTER XIV.

COUNTERFEIT MONEY.

ART. 143. Any person who shall counterfeit the gold or silver money legally current in the Ottoman Empire ; or who shall impair its value by withdrawing by means of files, punches, aquafortis or any other process a portion of the gold or silver substances contained therein ; or who shall give to a piece of money, by gilding the same a colour calculated to make it pass for a coin of a higher value ; or who shall share in the altering of such counterfeit or altered money, or in the introducing of the same into Turkish territory ; or who shall make a business of circulating such money, shall be punished with hard labour for from ten to fifteen years.

Art. 144. Whosoever shall counterfeit the copper money in circulation in the Ottoman Empire, or join in the uttering of such counterfeit money, or its introduction into Turkish territory, shall be punished with hard labour for from three to fifteen years.

Art. 145. Every person who in the Ottoman Empire shall counterfeit foreign money, or shall impair the value or alter the colour of such foreign money by the

means specified in article 143; or shall join in the uttering or introduction into Turkey of counterfeit or altered foreign money; or shall make a business of circulating the same, shall be punished with hard labour for from three to fifteen years.

Art. 146. Complicity in the offences mentioned in the preceding articles shall not be charged against persons who have received counterfeit or altered coins as good money, and put them in circulation.

Provided that any person who makes use of such coins, after having ascertained their faulty character, shall be punished with a fine of not less than three times and not more than six times the professed value of the coins which he has put into circulation; but so that in no case shall such fine be less than one gold medjidie.

Art. 147. Persons guilty of offences mentioned in articles 143, 144, and 145 shall not be liable to punishment if, before the completion of their offence, and before prosecution, they shall give information of the same to the constituted authorities; or, even after proceedings have been taken, if they shall have been instrumental in the arresting of the other guilty persons. They shall nevertheless be for a time placed under police supervision.

CHAPTER XV.

OF FORGERY.

ART. 148. Persons counterfeiting or causing to be counterfeited, or falsifying or causing to be falsified, the firmans published by the Imperial Government; persons counterfeiting or causing to be counterfeited the signature or initials of Government officials; persons counterfeiting the seal of a public office or of a public body; or making use of such counterfeited seal; persons counterfeiting or falsifying Government bonds, bills, "serguis," or any other security issued by the Treasury, or making use of such counterfeited or falsified securities; or bringing the same into Ottoman territory, shall be punished with hard labour or incarceration for from ten to fifteen years.

Art. 149. Any person counterfeiting or falsifying any stamp bearing the Imperial Cypher, and belonging to the State, shall be punished with hard labour or incarceration for from three to ten years.

Such person shall be punished with imprisonment for three years if he shall have unlawfully obtained genuine stamps and made use of them contrary to the interests of the State or the country.

Art. 150. Persons counterfeiting seals, stamps, or marks, intended to be placed in the name of the Imperial Government upon different kinds of goods or merchandise; persons counterfeiting seals, stamps, or marks, of any public body, or of any corporation chartered by the State, or any trading firm, or making use of such counterfeited seals, stamps, or marks, shall be punished with imprisonment for three years, and sentenced to make compensation for any damage occasioned by such act of forgery. He shall be punished with imprisonment for from six months to one year, and sentenced to the payment of compensation, if he shall have unlawfully obtained genuine seals, stamps, or marks intended for one of the purposes mentioned above, and made use of them to the prejudice of the interests of any duly constituted authority, any trading corporation, or any private firm.

Art. 151. Persons guilty of the crimes of forgery mentioned in the preceding articles shall be exempted from punishment, if before sentence and before prosecution they shall have given information of the same, and disclosed the principals to the constituted authorities; and even after a prosecution has been commenced, if they shall have occasioned the arrest of the other guilty parties. They shall, nevertheless, be placed under the temporary supervision of the police.

Art. 152. Every public officer who in the course of his duty shall commit a forgery, whether by introducing writing into judgments, reports, files of proceedings, or

other documents, or into registers, records, or other deeds ; or by altering any writing, seals, or signatures ; or by the substitution of one name for another, shall be punished with hard labour, or incarceration for from ten to fifteen years. Every person guilty of forgery as aforesaid, who does not belong to the category of public officers, shall be punished with hard labour or incarceration for from three to seven years.

Art. 153. Every public officer employed in a Court of Justice or in any Council or any other public office who in drawing up any official document shall fraudulently pervert the matter or the facts, either by altering the statement made by the parties interested as to the intention of such documents, or by stating to be true matters which are false, or as admitted which are not so admitted, shall be punished with hard labour or incarceration for from ten to fifteen years.

Art. 154. Any person making use of such forged documents as are mentioned in articles 152 and 153, with the knowledge of their nature, shall be punished with hard labour, or incarceration for a period of from three to seven years.

Art. 155. Every person who shall in any manner aforesaid be guilty of forging a private document, or of knowingly making use of a forged document, shall be punished with imprisonment for from one to three years.

Art. 156. Whosoever shall assume a false name in any pass, or authority to travel, or in any passport,

or who shall give a reference in order that another person may obtain such document under a false name, shall be punished with imprisonment for from six months to two years.

Art. 157. Whosoever shall fabricate a false pass, or false authority to travel, or passport, or shall falsify a document of such a nature which has originally been genuine, or who shall make use of such a document so fabricated or falsified, shall be punished with imprisonment for from one to three years.

Art. 158. Hotel-keepers, coffeehouse-keepers, letters of rooms, innkeepers, and other keepers of lodgings let by the day, who knowingly enter in their books the persons lodging with them under false or assumed names, shall be punished with imprisonment for from one to three months.

Art. 159. Public officers who issue passes without requiring the customary references in conformity with the orders in force in that behalf, shall be subject to dismissal, and be punished with imprisonment for from six months to one year. If such public officer is aware of a false name being given by the applicant, and nevertheless issues such pass in the false name, he shall be imprisoned for from six months to two years.

Art. 160. Any person who in order to absent himself from his public duties, or to exempt another therefrom, shall fabricate a false certificate of ill-health in the name of any doctor or surgeon, shall be punished with imprisonment for from one to three years.

Art. 161. Any doctor or surgeon who upon solicitation or from civility shall falsely certify to the illness or ill-health of any person, so as to relieve such person from public duty, shall be punished with imprisonment for from one to three years. If he has been induced to do so by bribes, he shall be liable to the punishments enacted against bribery, and the persons giving the bribe shall be punished according to the law concerning bribery.

Art. 162. The punishments enacted against persons making use of a forged or counterfeit document, of whatever kind it may be, shall not be applicable to those who have no knowledge that such document was a forgery.

CHAPTER XVI.

ARSON.

ART. 163. Whosoever shall intentionally set fire to any building, whether inhabited or uninhabited, situated in a town, village, or hamlet; to any building situated beyond the boundary of the same and capable of being used for a dwelling; or to any ship, whether such building and ship aforesaid belongs or does not belong to him, shall be punished with death.

Art. 164. Whosoever shall intentionally set fire to buildings situated elsewhere than in a town, village, or hamlet, and not either inhabited or intended for habitation; to ships, to forests, felled timber, or standing crops, when the same are the property of another, shall be punished with hard labour for from fifteen years to life.* Any person who in setting fire to any of the things above mentioned, if they are his own property, thereby causes damage to another, by the spreading of the fire, shall be punished with hard labour for from three to fifteen years.

Art. 165. Whosoever shall intentionally set fire to timber, or firewood, or severed crops, belonging to

* Revised article, 1 Ramazan, 1291; Leg. Ott. vol. v. p. 72.

another, shall be punished with hard labour for from three to fifteen years; and if by setting fire to such things as aforesaid, being his own property, he intentionally causes damage to another, he shall be punished with incarceration for from three to fifteen years.

Art. 166. In all cases if the fire shall cause the death of one or more persons who happen to be in the places set fire to, at the time when the fire burst forth, the punishment of the persons so intentionally setting such places on fire shall be death.

Addition to Art. 166. All gunpowder stored for sale in any place contrary to the regulations in that behalf shall be forfeited to the State. The owner and the storer of the same shall be sentenced to three years' hard labour.

*If damage has been caused by an explosion of gunpowder stored in any place other than a place licensed therefor under the regulations in that behalf, the person in possession of such powder shall be punished with hard labour for from three to five years in proportion to the mischief occasioned; and for from ten to fifteen years if the death of any person has been occasioned thereby.**

Art. 167. Whosoever shall with force or violence set fire to buildings, or to immovable or movable property of any kind, shall be punished with hard labour.

* 19 Rebiul Achir, 1281.

BOOK II.

OF OFFENCES AGAINST THE PERSON, AND
THE PUNISHMENT OF THE SAME.

CHAPTER I.

HOMICIDE, WOUNDING, ASSAULT AND BATTERY, THREATS.

ART. 168. Homicide is defined as the act of causing the death of a person either by means of a weapon, or by means of poison, or by any other means.

Art. 169. Homicide with premeditation is where a resolve against the life of a person is made before the act is committed.

Art. 170. Every person guilty of homicide with premeditation, duly proved, shall be sentenced to death according to the provisions of the penal law.

Art. 171. The provisions of the law cannot render void the rights of persons; accordingly if the murdered man has left heirs they may bring their action to enforce their private rights; and their claim shall be remitted to the Courts which administer the Sheri law.

Art. 172. A person guilty of homicide, who shall be respited from the punishment of retaliation, that is to say, of death, shall be punished with hard labour for life, or for not less than fifteen years.

Art. 173. The punishment of death shall be pronounced according to law against professional criminals,

known to be such by their antecedents, who in the execution of a great crime have practised tortures or other acts of cruelty upon any person whatsoever.

Art. 174. Any person guilty of homicide without premeditation shall be punished with hard labour for fifteen years. Nevertheless the crime shall entail the punishment of death if preceded or accompanied or followed by another felony, or when it has been brought about by a design to commit a misdemeanour.

Art. 175. Any person who has assisted a murderer in the committing of a murder shall be punished with hard labour for from three to fifteen years.

Art. 176. Any person who conceals the body of a murdered person, or who buries the same without giving information to the proper authorities, and before an inquest has been held thereon, shall be punished by imprisonment for from one month to one year, and shall pay a fine of from one to five gold medjidies, without prejudice to his being liable to further punishment, if he shall be proved to have been an accomplice in the crime.

Art. 177. If any person shall inflict wounds or blows on another so as to cause the amputation, or the loss of the use, of a member, he shall pay the cost of medical treatment and the blood-price ordered by the sentence ; and shall also be punished with hard labour for three years. If it shall be proved that the act was committed with premeditation the punishment shall be hard labour for ten years.

*Art. 177. Whosoever shall, without the intention of causing death, strike another, who shall thereupon die of the blows he has received, such person so assaulting him shall be sentenced to hard labour for five years at the least.**

Art. 178. Any person who inflicts wounds or blows causing illness or inability to work for more than twenty days, shall be imprisoned for a period of from † two months to two years. He shall also be sentenced to pay the cost of medical treatment and a sum equivalent to the profits or salary which the wounded man would have earned if he had been in good health. If premeditation is proved, he shall be imprisoned for a period of from three months to three years.

Art. 179. If the wounds or blows are of less gravity than those mentioned in the last article, the guilty party shall be punished with imprisonment for from seven days to one year, or sentenced to pay the wounded man a sum of from one to five gold medjidies. These two punishments may be cumulative. If premeditation is proved he shall be imprisoned for from one month to two years, without prejudice to the payment of compensation aforesaid.

Addition to Art. 179. If a weapon is used only with the intention of threatening and not with the intention of causing death, the guilty person shall be punished with imprisonment for from one week to six months.‡

* Leg. Ott. vol. v. p. 72 ; 27 Rebiul Achir, 1292.

† See Turkish text.

‡ 19 Rebiul Achir, 1281.

Art. 180. If it is proved that the wounds or blows were inflicted intentionally, and with a view to cause death; and that death did not ensue by reason of circumstances independent of the will of the guilty person, whether the wounds or blows were serious or slight, the guilty person shall, by virtue of the three preceding articles, be sentenced to pay the cost of medical treatment, and also the blood-price, or such a sum in money as compensation as shall be determined by the sentence, according to the character of the wound or blows. He shall also in all cases be punished with hard labour for from three to fifteen years.

*Addition to Art. 180. If the weapon with which the guilty person has intended to cause death has not done so by reason of circumstances independent of the will of such guilty person, he shall equally be punished with hard labour for from three to fifteen years.**

Art. 181. If the offences of murder, wounding, assault and battery are committed during an insurrection, or pillaging, not only shall the parties themselves guilty of the offences be punished according to law, but those instigating and inciting to such insurrections and pillagings shall also be punished for such offences with the same punishments to which those who themselves commit such offences are liable. Provided that as regards the punishment of retaliation the law of Sheri shall be adhered to.

Art. 182. Whosoever shall by misadventure be guilty

* 19 Rebiul Achir, 1281.

of homicide, or shall have unintentionally occasioned the same, shall be sentenced by the judgment of the Court to make such compensation of a civil nature, as is due to the representatives of the deceased according to the law of the Sheri. And if the death has been occasioned by negligence, or by inattention to any regulation, the guilty party shall at the same time be punished with imprisonment for from six months to two years.

Art. 183. Whosoever by misadventure shall have been guilty of wounding or battery, or unintentionally occasioned wounds or bruises, shall be sentenced to pay the cost of medical treatment; where such wounds or bruises have entailed the amputation of, or the loss of the use of, a member, he shall also be sentenced to pay the blood-price ordered by the Sheri law. He shall further be punished with imprisonment for from one week to two months, if the wounds and bruises have been occasioned by negligence, or by inattention to any regulation.

Art. 184. If a homicide has been occasioned by order of a person having the power to compel another to carry out his orders, such first-mentioned person shall be punished as a murderer.

By the words "having the power to compel another to carry out his orders" is meant "having the power to put to death such other for refusing to carry out such orders." Apart from such a case the subordinate who executes such an order, having no claim to be excused

shall be punished as a murderer; and the person in authority, who has ordered the committing of the murder, without having such power of compulsion as aforesaid, shall be sentenced to hard labour for from three to fifteen years.

Art. 185. Where the person guilty of wounding or assault and battery has acted under the power of compulsion aforesaid, the person giving the order shall, according to the gravity of the injuries caused, be liable to the punishment enacted above against persons committing like crimes of violence. If the person in authority giving the order has not the power of compulsion aforesaid, the punishment shall only be applicable to the person actually committing the offence; and the person in authority giving the order shall be punished with imprisonment for from one week to one year. Provided always that a person ordering another to commit a crime of violence so as to occasion the amputation, or the loss of the use, of a member, shall in all cases be punished with hard labour for from three to fifteen years.

Art. 186. A person shall not be liable to any punishment who causes death or wounding in self-defence, either in the protection of his life or in saving his honour or virtue from outrage.

Art. 187. Homicide, wounding, and assault and battery, when committed during the night in resisting the forcible entry of a dwelling-house, shop, or room, the breaking into a place secured by bolts, or the breaking

through of walls, or the forcible entry of an inhabited house or its curtilage, are not punishable.

If the act is committed during the day, the homicide, wounding, and assault and battery are only partly excused from punishment; and a person guilty of such acts who is pronounced to be partly excused is dealt with under the provisions of Article 190.

Art. 188. A person is partly excused who on catching in the act of fornication his wife or one of the women of his house, kills either the woman or the adulterer.

Art. 189. Murder, wounding, and battery are all equally partly excused if such acts have been provoked by acts of a similar character. But as there is an exception in the case of members of the police, who are in no way liable for murders committed or wounds and blows given by them in the exercise of their duty, when they are acting within the limits of the orders relating to their duty, those persons who forcibly resist have in no case any excuse.

Art. 190. Those guilty of murder, wounding, or assault and battery, proved to be partly excused, shall be imprisoned for from three months to three years. They shall also in addition be placed under police supervision for from five to ten years according to the gravity of the case.

Art. 191. Whosoever with intent to constrain any person to pay to him, or to deposit in any place indicated by him a sum of money, or any thing, or to accede

to any other demand, shall either in an anonymous or signed writing, whether sealed or open, or by a verbal communication made through a third party, threaten to commit upon such person a crime punishable according to this law with death or hard labour for life, he shall be punished with hard labour for from three to fifteen years; provided that the threat has not been carried into effect. If the threat is to commit a crime which would, if committed, be punishable according to law with a penalty less severe than those mentioned above, the guilty person, should the threat not have been carried into effect, shall be punished with imprisonment for from one to three years and a fine of from three to twenty gold medjidies.

CHAPTER II.

ABORTION—SALE OF ADULTERATED DRINKS—SALE
OF POISONS WITHOUT TAKING A GUARANTY FROM
THE PURCHASER.

ART. 192. Whosoever either by blows, or other acts of violence, shall cause the miscarriage of any pregnant woman, he shall be sentenced to pay the blood-price ordered by the Sheri law. And shall further be punished with hard labour for from three to fifteen years, if the act of violence has been committed with intent to bring about the aforesaid result.

Art. 193. Whosoever by administering drugs, or by pointing out the means of producing the aforesaid result, shall cause the miscarriage of a pregnant woman, whether she shall have consented thereto or not, shall be imprisoned for from six months to two years. If the person guilty is a doctor, surgeon, or chemist, the punishment shall be hard labour for from three to fifteen years.

Art. 194. Whosoever shall intentionally administer to any person anything which, without causing death, shall occasion any distemper or a temporary inability to work, shall be punished with imprisonment for from

one month to one year; and be sentenced to pay to the sufferer as compensation a sum of from three to twenty-five gold medjidies.

Art. 195. Every chemist who opens a dispensary without being furnished with a diploma, shall be punished by a fine of from ten to fifty gold medjidies; and his establishment shall be closed.

Art. 196. Whosoever shall sell by retail any noxious thing, any adulterated drink containing ingredients deleterious to health, or any poisonous substances, without taking from the purchaser the necessary guaranties, shall be punished with imprisonment for from one week to two years, with a fine of from one to twenty-five gold medjidies, and with the confiscation of the articles aforesaid.

CHAPTER III.

OUTRAGES ON MORALS.

ART. 197. Every person who shall commit an indecent offence on a child under eleven years of age, shall be punished by imprisonment for from six months to three years.*

Art. 198. Whosoever shall commit an indecent offence with violence upon any person, shall be punished with hard labour for from three to fifteen years.

Addition to Art. 198. If the indecent offence with violence has not been consummated by reason of circumstances independent of the will of the accused, he shall be sentenced to imprisonment for from three months to three years.†

Art. 199. If the person guilty of an indecent offence with violence is a person entrusted with the education or care of the injured person, and having control over such person, or if he is a hired servant, the punishment shall be hard labour for from five to fifteen years.

* NOTE.—By Vizieral Decree, 7 Sefer, 1291, this offence, when committed on a child under thirteen, even if the child is a consenting party, is an offence committed with violence under Art. 198.

† 19 Rebiul Achir, 1281.

Art. 200. If the rape has been committed on an unmarried girl, the guilty party, in addition to the punishment of hard labour, shall be sentenced to pay compensation to her.

*Addition to Art. 200. Whosoever shall have connection with a girl of the age of puberty under a promise of marriage, and shall refuse to marry her, shall be sentenced to pay her compensation, and be punished with imprisonment for from one week to six months. Nevertheless, the applicability of this provision depends on the proof of the promise of marriage either by the admission of the accused or proof given by the family of the woman.**

Art. 201. Whosoever shall commit an offence against morality by habitually exciting, encouraging, or facilitating the debauching or corrupting of young persons of either sex, shall be punished with imprisonment for from one month to one year.

If the debauching or corrupting of young persons has been excited, encouraged, or facilitated by fathers, mothers, or guardians, the punishment shall be imprisonment for from six months to one year and a half.

Addition to Art. 201. An adulterer can only be accused by the husband, and in his absence by a guardian.

A woman proved guilty of adultery shall be imprisoned for from three months to two years. But the husband may arrest the execution of the sentence by consenting to take back his wife.

* 19 Rebiul Achir, 1281.

The accomplice of the adulteress shall equally be punished by imprisonment for from three months to two years ; and, in addition, by a fine of from five to 100 gold medjidies.

The evidence which may be received against a man charged with such complicity apart from his being caught in the act, shall be that arising from his presence in the harem of a Mussulman, or from letters or documents written by him.

This provision is, however, only applicable when an adulterer is accused by the husband or guardian ; as for other acts of lewdness or seduction, the guilty persons shall, under ordinary circumstances, remain subject to the police regulations in force in the Ottoman Empire.

*A husband who keeps up an adulterous intercourse in his house, and is convicted thereof on the complaint of his wife, shall be punished by a fine of from five to 100 gold medjidies.**

Art. 202. Whosoever shall be guilty of an outrage on public decency shall be punished by imprisonment for from three months to one year, and a fine of from one to ten gold medjidies.

Addition to Art. 202. Persons who make indecent proposals to young persons of either sex shall be punished by imprisonment of from one week to one month.

Persons guilty of an indecent assault shall be sentenced to imprisonment of from one to three months.

Persons who shall introduce themselves in female attire

* 19 Rebiul Achir, 1281.

*into a place exclusively kept for the use of women, shall be punished for this act alone by imprisonment for from three months to one year. And if they shall have committed, in the place to which they have penetrated under such disguise, an offence punishable by a penalty more severe than that above mentioned, such severer punishment shall be applied to them.**

* 19 Rebiul Achir, 1281.

CHAPTER IV.

ILLEGAL ARREST—ILLEGAL ATTACHMENT—STEALING
OF CHILDREN AND YOUNG PERSONS—ABDUCTION
OF GIRLS.

ART. 203. Whosoever without the orders of the constituted authorities, and in cases other than those where the law orders a person to lay hands on another who is, with all due formality, charged with an offence, shall arrest, detain, or attach any person, he shall be punished by imprisonment for from six months to three years.

Any person who shall knowingly provide a place for the carrying out of such detention or attachment, shall be punished with imprisonment for from three months to three years.

Art. 204. In the case cited in the last preceding article, if the arrest has been made with a counterfeit uniform of an official of the State, or under a false warrant of a public authority, the guilty party shall be punished with hard labour for from three to fifteen years. The punishment of hard labour shall equally be awarded in all cases where the persons arrested shall have been threatened with death or subjected to torture.

Art. 205. Persons guilty of substituting one infant person for another, or of imposing upon a woman a child which she has not brought forth, shall be punished with imprisonment for from six months to three years.

The same punishment shall be inflicted on those who are guilty of stealing or concealing children. In addition the guilty person shall not recover his liberty so long as he shall not deliver up the child, or its death has not been proved.

Art. 206. Whosoever whether by fraud or violence shall carry off a child who has not attained the age of puberty, shall be punished with imprisonment for from three months to one year.

If the person so abducted is a girl who has not attained the age of puberty, the punishment shall be that of hard labour for from three to fifteen years.

If an indecent offence has been committed on the person of the abducted girl, the guilty person shall receive the maximum punishment which can be inflicted for this offence. In case the ravisher has married the girl whom he has abducted, he will be subject to the provisions of the Sheri law in that behalf.

Addition to Art. 206. Whosoever shall forcibly carry off a girl who has attained the age of puberty, shall be punished with imprisonment for from three months to three years. If the person abducted is married, the ravisher shall be sentenced to hard labour for from three to fifteen years.

*Every person who shall assist the ravisher in the forcible carrying off of a girl, whether she has attained the age of puberty or not, shall be punished with from one to six months' imprisonment.**

* 19 Rebiul Achir, 1281.

CHAPTER V.

FALSE EVIDENCE AND PERJURY.

ART. 207. Any person guilty of giving false evidence in a criminal matter, whether against an accused person or in his favour, shall be punished with hard labour for from three to fifteen years, together with public exposal.

Provided that if such accused person has in consequence of such evidence been sentenced to a punishment more severe than that of hard labour for from three to fifteen years, the false witness who has given evidence against him shall be subjected to the same punishment.

Art. 208. Whosoever shall be guilty of giving false evidence before a Court of summary jurisdiction, whether against the prisoner or in his favour, shall be punished with imprisonment for from one to five months.

Art. 209. A person guilty of giving false evidence in a civil matter shall be punished with hard labour for from six months to one year.

Art. 210. If a person has given false evidence in consideration of receiving a money bribe, he shall be

sentenced to a fine equal in amount to the sum received by him; and both the party receiving and the party giving the bribe shall be punished with the penalties enacted against bribery.

Art. 211. Whosoever shall forcibly obstruct the giving of true evidence, or who shall compel another to give false evidence, shall be punished with the same penalties as persons giving false evidence, according to the gravity of the offence.

Art. 212. Any person to whom an oath is proposed in a civil matter, and who shall thereupon commit perjury, shall be sentenced to the punishment of public exposure, and of imprisonment for from six months to three years.

CHAPTER VI.

DEFAMATION—ABUSIVE LANGUAGE—BREACH OF
CONFIDENCE.

ART. 213. A person shall be guilty of the offence of defamation who, either by talking in public, or by means of printed or written matter, whether placarded or distributed, shall impute to another such acts as would, if they had in fact been committed, render him liable, if charged with the same, to punishment by the law, or would subject him to the contempt of his neighbours; and a person shall be guilty of such offence as aforesaid who shall maliciously utter a slander against an officer of the Government.

The guilty person shall, if the slander be proved, be punished with such penalties as might be inflicted upon the party slandered, if the slanderous charges were true: Provided that this article shall not apply to cases where a person gives information of any act to the police authorities by virtue of any law or order, or where he brings a charge against another in a Court of Justice.

Art. 214. All abusive language or injurious statements which do not impute any particular act, but only

habitual misbehaviour, or which in any way asperse a person's character, shall be punished with imprisonment for from twenty-four hours to one month, or a fine of from one-half to three gold medjidies.

Art. 215. Doctors, surgeons, chemists, midwives, and other persons who are entrusted by virtue of their position or profession with personal secrets, who, except where the law compels them to give evidence thereof, shall reveal such secrets, shall be punished with imprisonment for from twenty-four hours to one week, and a fine of one gold medjidie.

CHAPTER VII.

LARCENIES.

ART. 216. Misappropriations effected by husbands to the prejudice of their wives, by wives to the prejudice of their husbands, when living either together or apart; by children or other descendants to the prejudice of their fathers and mothers or other forebears; by fathers and mothers or other forebears to the prejudice of their children or other descendants, are matters entailing a civil remedy. If the articles appropriated are consumed or destroyed, and the party converting them to his own use is insolvent, he shall be punished by imprisonment where he is an habitual thief. All other persons who shall conceal or convert to their own use all or part of the stolen property shall be punished as though they were guilty of larceny.

Art. 217. Persons guilty of larceny when all the five following circumstances occur, that is to say—

1. When committed in the night-time;
2. When committed by two or more persons;
3. Where the guilty parties or one of them have carried arms, whether openly or concealed;
4. Where the guilty parties have entered a house or

its curtilage, a room or any other apartment occupied by men, by climbing in, breaking in, by using false keys, or by putting on the uniform or clothes of a public official, or by showing a false authority ;

5. Where the offence has been accompanied by violence or threats to make use of weapons ; shall be punished with hard labour for from fifteen years to life.*

Art. 218. Every person guilty of larceny with violence in combination with the two first above-mentioned circumstances shall be punished with hard labour for from three to fifteen years.

If the violence with which the robbery is accompanied leaves traces of wounds, the guilty persons shall be sentenced to hard labour for from fifteen years to life.†

Art. 219. Larceny committed in the night-time on a highway by several persons shall be punished by hard labour for from fifteen years to life.‡

Art. 220. Every person guilty of larceny accompanied by breaking in, or climbing in, or § tampering with any lock, in places which, although neither used for habita-

* NOTE.—See revised Art., 27 Rebiul Achir, 1292 ; Leg. Ott. vol. v. p. 73.

† NOTE.—See revised Art., 27 Rebiul Achir, 1292 ; Leg. Ott. vol. v. p. 73.

‡ NOTE.—See revised Art., 1 Ramazan, 1291 ; Leg. Ott. vol. v. p. 73.

§ See Turkish text.

tion nor connected with inhabited places, are fastened up and enclosed with walls, shall be punished with hard labour for from three to fifteen years.

Art. 221. Persons guilty of larceny committed (i.) either with violence where no trace of wounds is left, and such violence is not accompanied by any other aggravation, (ii.) or without violence where committed under the following combined circumstances, that is to say—

1. In the night-time ;
2. By two or more persons ;
3. Where one or more of the guilty persons is armed ;

shall be punished with hard labour for from three to fifteen years.

Art. 222. Every person guilty of larceny committed under any of the four following circumstances shall be punished with imprisonment for from six months to three years* :—

1. If the larceny has been committed
 - (i.) In the night-time and by two or more persons, or,
 - (ii.) In either one of such two cases aforesaid, if committed
 - (a) In an inhabited place, or
 - (b) In a building dedicated to religious purposes.

2. If the guilty party has borne arms whether openly or concealed, but the larceny has been committed in

* NOTE.—See revised Art., 14 Rebiul Achir, 1293 ; Leg. Ott. vol. v. p. 74.

the daytime, and by one person only, and the place where the theft was committed was uninhabited.

3. If the thief is a hired servant, and steals from his master, or from a person coming to his master's house, or from the master of the house to which he accompanies his master; or if being a workman or apprentice he commits a theft in the house, workshop, or shop, of his master, or in the place where he generally works.

4. If the theft has been committed by a hotelkeeper, or innkeeper, a driver of a vehicle, a boatman, or other such person, or by any one in the employment of the same, of either the whole or part of the chattels with which they have been entrusted.

Art. 223. Drivers of vehicles, persons in charge of beasts of burthen, or of boats, who shall steal a portion of the provisions or drinks, with the carriage of which they have been entrusted, and shall replace them with anything deleterious to health, shall be punished with three years' imprisonment. If there has been no inter-mixing of the deleterious articles, the punishment shall be imprisonment for from one month to one year, and a fine of from one-half to five gold medjidies.

Art. 224. Whosoever shall steal a horse, beast of burthen, beast of draught, or beast for riding, great cattle, or small cattle, instruments of agriculture, firewood, or timber sawed up and ready for sale; or who shall be guilty of stealing stones in a quarry, fish in a fishpond, or leeches in a pool, shall be punished with imprisonment for from one month to one year and

sentenced to restore the stolen things if they exist, or to the payment of compensation equal in amount to their value.

Art. 225. Whosoever shall steal crops or other useful products of the soil, which have been already severed from the soil, or grain laid in heaps, shall be sentenced to pay its equivalent in value to the owner, and punished by imprisonment for from twenty-four hours to three months. If the robbery has been committed in the night by several persons and by the aid of carts or beasts of burthen, the imprisonment shall extend to one year.

Art. 226. When a theft is committed of cereals or other useful products of the soil, which have not yet been severed; and has been effected either in baskets, or sacks, or such like articles, or by the aid of carts or beasts of burthen, or by several persons; punishment shall be imprisonment for from twenty-four hours to three months.

Art. 227. Any person who with intent to commit a theft shall remove any fence dividing properties, shall be punished by imprisonment for from fifteen days to three months.

Art. 228. Whosoever shall make a false key or make any instrument for the picking of locks, shall be punished with imprisonment for from three months to one year. If the guilty party is a locksmith by trade he shall be liable to the punishment of hard labour for from three to fifteen years.

Art. 229. Whosoever shall extort by force any bond or release, in the hands of any person, or who shall compel any one to sign such document, or to set his seal thereto, shall be punished with hard labour for from three to fifteen years.

Art. 230. Thefts and pocket-picking or other larcenies, not set forth in this chapter, shall be punished with imprisonment for from three months to one year. At the expiry of their punishment, the guilty parties shall be bound to find security for their good behaviour to the police.

Addition to Art. 230. If the theft has only not been committed by reason of circumstances independent of the will of the guilty person, he shall be sentenced to the punishment enacted against larceny, according to the gravity of the offence.*

Persons knowingly assisting those guilty of a larceny punishable with hard labour, or who have concealed goods stolen by such persons as aforesaid, shall be punished with hard labour for from three to fifteen years. Those who shall knowingly assist those guilty of a larceny punishable with imprisonment, or who shall conceal goods stolen by them, shall be punished with the penalties to which the thief himself is liable.

Such guilty person as, before a search has begun, shall inform the authorities of the real offenders, or who, even after a search has begun, shall give such information con-

* NOTE.—This article has been held by the Assize Courts in Cyprus to apply to the whole chapter of larceny.

*cerning the real offenders as shall lead to their arrest, shall be exempted from the punishment to which such real offenders are liable.**

Further addition (declared by Imperial Decree). Persons who shall knowingly receive anything which is the outcome of a theft shall be punished according to the gravity of the offence with imprisonment for from twenty-four hours to one year. The stolen article shall, if still in existence, be restored to the owner. Otherwise he shall receive compensation.†

* 19 Rebiul Achir, 1281.

† 3 Rebiul Achir, 1285.

CHAPTER VIII.

FRAUDULENT BANKRUPTCY AND CHEATING.

ART. 231. Persons who, in the cases instanced in the Commercial Code, shall be declared guilty of fraudulent bankruptcy, and those whose implication in a fraudulent bankruptcy shall have been duly proved in accordance with the provisions of such Code, shall be punished with hard labour for from three to fifteen years.

Art. 232. Simple bankrupts shall be punished with imprisonment for from one month to two years.

Art. 233. Whosoever by making use of any fraudulent trick shall have possessed himself of money, of immovable property, of securities, of deeds, or of any other movable property, and shall thereby have cheated another out of his property, shall be punished with imprisonment for from three months to three years, and a fine of from one to fifty gold medjidies.

If the guilty person is a public officer he shall in addition be removed from his office.

CHAPTER IX.

ABUSE OF CONFIDENCE.

ART. 234. Whosoever shall take advantage of the needs, weakness, or passions of a minor who has reached an age of discrimination, in order to induce him, to his own injury, to sign bonds or releases in regard to loans, or the borrowing of money or of movable property, or in regard to the giving of bills or any other documents, under whatsoever form such bonds or releases may have been drawn, shall be sentenced to imprisonment for from two months to two years, to make compensation to the person injured, and to pay a fine not exceeding a quarter of such compensation, and in no case less than one gold medjidie. If the guilty person shall have been entrusted with the custody or guardianship of the minor the term of imprisonment shall be for from three months to three years.

Art. 235. Whosoever shall take advantage of a signature in blank to him entrusted, and shall fraudulently fill in above it a bond or release or any other engagement prejudicial to the person or to the property of the person signing, he shall be punished with imprisonment for six months to three years, and a fine of

from five to fifty gold medjidies. Where the signature in blank has not been entrusted to him, but he has by some means become possessed of it, he shall be considered guilty of forgery, and punished accordingly.

Art. 236. Whosoever shall convert, or dispose of to the prejudice of the owner, chattels, goods, money, notes, or other documents constituting bonds or releases, or any other thing, which has only been entrusted to him by way of deposit or bailment, in his character either of paid or unpaid agent for the purpose of exhibition or sale, or for the purpose of dealing with the same in some particular way, shall be sentenced to imprisonment for from two months to two years, to make compensation for the loss occasioned to the injured person, and to pay a fine equal to one-quarter of such compensation. If such breach of trust has been committed by a hired servant, apprentice, clerk, or workman, to the prejudice of his master, the term of imprisonment shall not be less than one year, without prejudice to his liability to make restitution and compensation.

Art. 237. Whosoever, having produced and delivered to the Court during the hearing of a proceeding any document, shall afterwards remove the same, in any manner whatsoever, he shall be punished by a fine of from one to fifteen gold medjidies.

CHAPTER X.

INTERFERING WITH AUCTIONS—OFFENCES COMMITTED
IN TRADE MATTERS.

ART. 238. Persons who, at the selling, buying, or hiring by public auction of movable or immovable property, shall by words or acts interfere with the free course of such auction, shall be punished with imprisonment for from fifteen days to three months, and a fine of from one to 100 gold medjidies.

Art. 239. Persons who, by false or defamatory notices purposely spread among the public ; by biddings higher than the price asked by the vendors themselves ; by any combination amongst the chief holders of any goods or provisions, calculated to prevent the sale or to hinder the sale at anything over a certain price ; or by any other fraudulent ways and means, shall effect the rise or fall in price of provisions or goods or of any paper money or securities of the State, above or below the price determined by the natural and free course of trade, shall be punished with imprisonment for from one month to one year, and a fine of from five to 100 gold medjidies.

The punishment above mentioned shall be doubled,

if these tricks are practised in regard to meat, bread, firewood, coal, or other articles of primary necessity.

Art. 240. Whosoever shall deceive a purchaser in regard to the ownership of any gold or silver article; the quality of a sham stone sold for a fine one; or the nature of any other goods; and whosoever by using false weights or false measures shall cheat a purchaser in regard to the quantity of the article sold, shall be sentenced to imprisonment for from one month to one year; to compensate the defrauded purchaser; and to pay a fine not exceeding one-quarter of the compensation and not less in any case than three silver medjidies. The false weights and measures shall also be broken and destroyed.

Art. 241. A person shall be guilty of an offence against copyright, who shall print or cause to be printed any books contrary to the laws and orders relating to the rights of authors, or who shall make or cause to be made any article to the manufacture of which an exclusive right has been granted, either to any person or to any company. The works or articles pirated shall be forfeited in favour of the author or possessor of such exclusive right, and the guilty party shall be punished by a fine of from five to 100 gold medjidies. The importation into Ottoman territory of productions of this kind made abroad shall equally be punished with a fine of from five to 100 gold medjidies. And the punishment for a person selling the same with a knowledge of their character, shall be a fine of twenty-five gold medjidies.

CHAPTER XI.

GAMES OF CHANCE—LOTTERIES.

ART. 242. Persons keeping a gaming-house and admitting the public thereto, and the bankers of such house, shall be punished with imprisonment for from one to six months, and a fine of from one to fifty gold medjidies. All money or securities found on the premises shall also be forfeited to the State.

Art. 243. Persons establishing lotteries shall equally be punished with imprisonment for from one to six months, and a fine of from one to fifty gold medjidies. All money and securities put into such lottery shall also be forfeited to the State.

CHAPTER XII.

MALICIOUS INJURIES AND DAMAGE TO PROPERTY.

ART. 244. Every breaking or destroying of agricultural instruments, of cattle-folds, or of watchmen's huts, shall be punished with imprisonment for from one week to six months without prejudice to the guilty person being liable to make reparation or compensation.

Art. 245. Whosoever without just cause shall intentionally kill any horses or other beasts used for riding or draught, or of burthen, or any other animals belonging to another, shall be punished as follows:—

(i.) If the offence has been committed in enclosed buildings, sheep-folds, or premises, or on land in the occupation of the master of the animal so killed, as owner, tenant, or cultivating partner, the punishment shall be imprisonment for from one month to six months.

(ii.) If it has been committed on premises of which the guilty person is the owner, tenant, or cultivating partner, the imprisonment shall be for from one week to one month.

(iii.) If it has been committed in any other place,

the imprisonment shall be for from fifteen days to one mont and a half.

Whosoever shall poison any of the above-mentioned animals shall be punished with imprisonment for from three months to two years.

In all cases provided for by the preceding articles the guilty person shall be sentenced to make reparation, and punished with a fine of from one silver medjidie to two gold medjidies.

Art. 246. Whosoever shall destroy the ditches forming the boundaries of any person's property, or shall destroy the fences made of bushes, whether quick-set or of dead branches, or of any other material, shall be sentenced to imprisonment for from one week to three months, to repair the damage which he has caused, and to pay a fine equal to one-quarter of the amount of such damage.

Art. 247. Owners or hirers of water-mills or factories worked by water, reservoirs, or ponds, who in letting off their water otherwise than in the lawful way shall flood the roads or fields of another, shall be punished with a fine equal to one-quarter of the amount of the damages.

Art. 248. Fires caused by negligence either in cleaning or repairing a furnace, chimney, or other place where fire is used; or by fires lit in a field adjacent to a house, building, wood, vineyard, garden, strawheap, or any other collection of inflammable materials; or by fireworks thrown in the streets; or by any similar

acts, shall be punished with imprisonment for from three days to one week, and a fine of from one to twenty-five gold medjidies.

Art. 249. Whosoever shall wilfully destroy, overturn, or damage, by any means whatever, any hotel, house, or building of any kind, a road, bridge, fountain, aqueduct, or other construction belonging to another, shall be sentenced to imprisonment for from three months to two years, to repair the damage done, and to pay a fine equal to one-quarter of the amount of such damage.

If homicide or wounding has resulted from such acts as aforesaid, he shall in addition be punished with the penalties enacted against such offences.

Art. 250. Any person who by his acts shall, without just cause, obstruct any work authorized by the Imperial Government, shall be punished with imprisonment for from one month to one year, and a fine equal to one-quarter of the compensation to which he shall be liable for such act.

Art. 251. Whosoever shall wilfully burn or destroy in any manner any register, original document, record-book, or other official instrument, or any bill of exchange, commercial document, or bank-bill, or any other document the loss of which is likely to injure any other person, he shall be punished with imprisonment for from one to three years, and a fine of from one to fifteen gold medjidies.

Art. 252. Every robbery of or injury to merchandise, bills, or crops, committed by a gang of persons and by

open force, shall be punished with hard labour for from three to fifteen years. The guilty persons shall also be sentenced to make reparation and compensation, and each of them shall be punished with a fine of from one to fifty gold medjidies. Provided that if any person shall prove that he has been induced to take part in these acts of violence by provocations and solicitations, he shall only be punished with imprisonment for from one to three years.

Art. 253. Whosoever shall overset or destroy growing crops, or trees, either growing by nature or planted by the hand of man, or any other thing planted, or shall destroy grafts, or tear up the vineyard or garden of another, he shall be punished with imprisonment for from one week to fifteen days, and ordered to make compensation.

BOOK III.

**BREACHES OF THE LAW RELATING TO PUBLIC
HEALTH AND CLEANLINESS, AND OFFENCES
AGAINST POLICE REGULATIONS.**

PUBLIC HEALTH AND POLICE REGULATIONS.

ART. 254. (i.) Hotel-keepers and innkeepers, who are compelled to exhibit lamps, under orders given by the police, and who fail to do so ;

(ii.) Persons who obstruct the public thoroughfare by unnecessarily setting down and leaving anything which obstructs free passage ;

(iii.) Persons who, having need to place and leave in the streets or public places materials or other things, or to make excavations in public places, for the repair of drains or water-pipes, fail to light them, so that the public may avoid them, and so as to prevent any accident happening ;

(iv.) Persons contravening the police regulations with respect to highways ; or refusing to obey a direction to repair or take down ruinous buildings ; or leaving in a highway sweepings or things calculated to produce unhealthy smells ;

(v.) Persons who negligently throw into the street things likely in falling to injure the passers-by ; and

(vi.) Persons refusing to obey the regulations of a municipal authority, or of the Government ; *
shall be punished by a fine of from one quarter to five quarters of a silver medjidie.

Art. 255. (i.) Persons neglecting to clean or to

* See Turkish text.

repair the chimneys of their workshops, furnaces and factories, where fire is used ;

(ii.) Persons letting off fireworks in the streets, or other places where they are likely to cause injury ;

(iii.) Persons firing a gun or pistol in a town, village, or hamlet ;

shall be punished by a fine of from one to five quarters of a silver medjidie, and imprisonment for from twenty-four hours to three days.

Art. 256.—(i.) Hotel-keepers, innkeepers, or lodging-house keepers, who fail to keep a regular register of every person lodging in their houses, or who fail to submit at convenient times such register to the proper authorities ;

(ii.) Persons riding or driving furiously in a crowded thoroughfare ;

(iii.) Persons suffering to be at large a person of unsound mind, or a harmful or savage animal, of whom or of which they have the custody ;

(iv.) Persons refusing to take the coin of the realm at its nominal value ;

(v.) Persons who without reasonable excuse refuse or neglect to render assistance, when required or able, in cases of accident, of the capsizing of a boat, of shipwreck, floods, fire, or other catastrophes, or in a case of brigandage, pillage, or the open perpetration of a crime, or on the occurring of a public riot ;

shall be punished by a fine of from six to ten silver pieces of five piastres each.

Art. 257. Fruit and other eatables which are injurious to health, or which are spoilt or rotten and emitting noxious exhalations shall be thrown into the sea, or the rivers, or on a place outside the town; and persons exposing the same for sale shall be punished by a fine of from six to ten silver pieces of five piastres each.

Art. 258. Persons intentionally throwing stones, or other hard substances, or filth, at any other person or upon houses, buildings, and fences, or into the garden of other persons; and persons trespassing on places where they have no right, shall be punished by a fine of from six to ten medjidies of five piastres each and imprisonment for from twenty-four hours to five days.

Art. 259. Persons knowingly causing damage to the movable property of another, persons causing the death or wounding of animals or cattle belonging to another by reason of the being at large of persons of unsound mind, or of harmful or savage animals, or by reason of the overdriving or overloading of such animals or cattle, or by the throwing of stones or other hard substances, or by making an excavation in any place, shall be punished by a fine of from ten to fifteen medjidies of five piastres. The guilty parties shall also be ordered to give compensation.

Art. 260. Persons creating a noise or a disturbance, and disturbing the peace of the inhabitants without reasonable cause, or wilfully and purposely removing or tearing down notices put up by order of a public authority, shall be punished by a fine of from ten to fifteen

medjidies of five piastres and imprisonment for from three days to one week.

Art. 261. Persons driving cattle into enclosed or cultivated land, or land bearing crops or produce, or into vineyards or gardens, belonging to another, shall be punished by a fine of from ten to fifteen medjidies of five piastres. They shall also be ordered to make compensation.

Art. 262. Persons having false weights, false cantars, or false balances, false kilos, or other false measures, in their shops, or stores, or in markets or at fairs, or who use weights or measures different to those authorized by the law for the time being, shall be punished by a fine of from ten to fifteen medjidies of five piastres. Such weights and measures shall also be forfeited.

Art. 263. Persons selling provisions at a price higher than that fixed by an assessment lawfully made and published, shall be punished by a fine of from ten to fifteen medjidies of five piastres, and imprisonment for from twenty-four hours to three days. If the case is one regarding bread, meat, firewood, coal, or similar articles of primary necessity, the imprisonment shall be for from three days to one week, and the fine from fifteen to twenty medjidies of five piastres.

Art. 264. Persons spoiling the highways, squares, walls, or other places intended for the use of the public, or encroaching on the length or breadth of the same, shall be punished with imprisonment for from three days to one week, and a fine of from fifteen to twenty

medjidies of five piastres. The guilty parties shall further be ordered to pay the cost of repairing the same and to surrender the ground encroached upon.

Addition to Art. 264. Persons burying, or effecting or authorizing the burial of corpses in prohibited places shall be punished with imprisonment for from one month to one year, and a fine of from one to ten Turkish pounds.*

* 4 Moucharem, 1286.

[NOTE.—The gold medjidie, or Turkish pound, is worth 18s.; the silver medjidie is worth 3s. 4d., and contains 20 silver piastres. A quarter of a silver medjidie, or silver piece of 5 piastres, or medjidie of 5 silver piastres, commonly called a beshlik, is worth 10d. in English money.]

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